

**MOTOROLA**

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NOV 04 2004

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Number of Pages (Including this page)

Date: November 4, 2004

To: Examiner Chen, Alan S. - Group 2182

Location: United States Patent and Trademark Office

Fax No.: 703-872-9306

From: Jeffrey K. Jacobs (Registration No. 44,798)

Subject: Serial No. 10/006,176 -Benyukhis et al.

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MESSAGE:

Enclosed herewith, please find a RESPONSE Office Action for filing in the below-identified application.

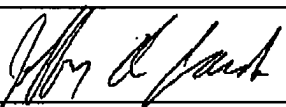
PLEASE GIVE THESE PAPERS TO:


EXAMINER:	Chen, Alan S.
GROUP ART UNIT:	2182
SERIAL NO.:	10/006,176
FILED:	December 4, 2001
INVENTOR:	Benyukhis et al.
ATTORNEY DOCKET NO.:	CE08625i

PTO/SB/21 (08-00)




TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number		10/006,176	
		Filing Date		December 4, 2001	
		First Named Inventor		Benyukhis et al.	
		Group Art Unit		2182	
		Examiner Name		Chen, Alan S.	
Total Number of Pages in this Submission		4	Attorney Docket Number		CE08625i

ENCLOSURES		(check all that apply)
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group {Appeal Notice, Brief, Reply Brief} <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input type="checkbox"/> Copy of Notice to File Missing Parts <input type="checkbox"/> Transmittal of Formal Drawings <input type="checkbox"/> Response to Notice of Non- Recording of Document
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual	Jeffrey K. Jacobs	Registration No.	44,798
Signature			
Date	November 4, 2004		

CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO to facsimile number 703-872-9306 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:			
Typed or printed name		Nanette Orr	
Signature			Date
			November 4, 2004

FEE TRANSMITTAL Patent fees are subject to annual revision		<i>Complete if Known</i>	
		Application Number	10/006,176
		Filing Date	December 4, 2001
		First Named Inventor	Benyukhis et al.
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TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No.	CE08625i

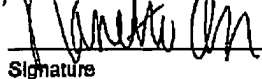
METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																										
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <p>Deposit Account Number 50-2117</p> <p>Deposit Account Name Motorola, Inc.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee required under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p style="text-align: center;"><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table style="width:100%; border-collapse: collapse;"><thead><tr><th colspan="2">Large Entity</th><th colspan="2">Small Entity</th><th rowspan="2">Fee Description</th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee of oath</td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late Provisional filing</td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td></tr><tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for ex parte Reexamination</td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr><tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td></tr><tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td></tr><tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td></tr><tr><td>1254</td><td>1450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td></tr><tr><td>1255</td><td>1970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td></tr><tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td></tr><tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td></tr><tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td></tr><tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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<p>SUBMITTED BY</p> <table style="width:100%; border-collapse: collapse;"><tr><td style="width:50%;">Name (Print/Type)</td><td>Jeffrey K. Jacobs</td></tr><tr><td>Signature</td><td></td></tr></table>		Name (Print/Type)	Jeffrey K. Jacobs	Signature		<p style="text-align: center;"><i>Complete (if applicable)</i></p> <table style="width:100%; border-collapse: collapse;"><tr><td style="width:33%;">Registration No.</td><td>44,798</td><td style="width:33%;">Telephone</td><td>847/576-5562</td></tr><tr><td>Date</td><td colspan="3">November 4, 2004</td></tr></table>		Registration No.	44,798	Telephone	847/576-5562	Date	November 4, 2004																																																																																																																																														
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NOV 04 2004

AFTER FINAL **EXPEDITED PROCEDURE**

I hereby certify that this correspondence is being transmitted via facsimile
to the Assistant Commissioner for Patents at (703) 872-9306
(Attention: Examiner Chen)

On November 4, 2004

 11/4/2004
Signature date

- PATENT -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Benyukhis	EXAMINER:	Chen, Alan S
SERIAL NO.:	10/006,176	GROUP:	2182
FILED:	12/04/2001	CASE NO.:	CE08625I
ENTITLED:	HIGH AVAILABILITY SYSTEM AND METHOD FOR IMPROVED INITIALIZATION		

Motorola, Inc.
Corporate Offices
1303 E. Algonquin Road
Schaumburg, IL 60196
November 4, 2004

RESPONSE

Honorable Assistant Commissioner of
Patents and Trademarks
Alexandria, VA 22313-1450

Sir:

In view of the issues raised in the office action mailed September 8, 2004, the following response is hereby respectfully submitted by the applicants. Reconsideration of any outstanding objections and/or rejections and allowance of the present application are respectfully requested.